1947

File. No. B. Temple Entry/47

K

Legal **DEPARTMENT**

B **BRANCH**

P 35 E

Subject:—

A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay

Bom. Act No. XXXV of 1947.

File No. B. Temple Entry/47

Std. Sectt. Slip 24 B e.

579-B

C O N T E N T S.

Legal Department File No. B. Temple Entry /47.

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Office of the R.L.A.

The requisite draft Bill is sent herewith.

2. The definition of "temple" is given in clause 2(c) of the Bill. The definition includes all public temples and those private temples which are open to Hindus generally. The scope of the Bill is thus made wide-r as desired by Government. (pages 8-9 ante).

3. Clause 3 of the Bill.- In paragraph 7 of A.S., G.B.'s note which is approved by Government it is observed as follows-

> "Harijans may be given as much right of worship in such temples as is allowed to caste Hindus, subject to the observance, by Harijans, of conditions for entry into temples as are imposed in the case of Caste Hindus - this is a point for the orders of Government."

Clause 3 of the Bill which is based on clause 3 of the Madras Temple Entry Authorization Bill, 1947 makes the above intention clear. Following the Madras Bill of 1947, clause 3 of the draft Bill also entitles a Harijan to bathe in, or use the waters of any secred tank appurtenant to a temple.

4. It is also proposed in paragraph 8 of A.S.G.D.'s note at p. 60 of G.D. File 3217/33, that religious and charitable institutions (including the Devasthan properties) in receipt of grants from Government should be open to Harijans. The R.D. Which was asked to note upon the point, has not forwarded views to G.D. The Devasthan Inams are governed by the sanads issued in that behalf. To cover such temples it is sufficient if clause 3 of the Bill which is operative clause makes reference to the terms of sanad. Clause 3 provides accordingly.

5. The subject-matter of the Bill falls under entry 34 and 37 in List II and entries 4 and 9 in List III in the Seventh Schedule to the Government of India Act, 1935. The Bill requires the previous sanction of the Governor under section 299(3) of the Government of India Act, 1935. As the Bill contains provisions which are repugnant to the provision of the Indian Trusts Act, 1882, and the Code of Civil Procedure, 1908, which are existing Indian laws relating

matters falling in the Concurrent Legislative List, it will have to be reserved for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

6. G.D. will no doubt append a statement of Objects and Reaspns to the Bill.

Sd

Remembrancer of Legal Affairs

U.R. to G.D. No. 2703, dated the 19th March 1947.

S.C. 28-5

Legal Department.

The Bill to entitled Harijans to enter and perform worship in temples in the Province of Bombay, having been published in the Bombay Government Gazette, dated the 22nd March 1947, these papers are returned to the General Department for further necessary action and ~~xxxxxxx~~ for submitting them to H.M. (Fisheries, Industries and Backward Classes) for his use at the time of introducing the Bill. The General Department may now arrange to give the notice to the Secretary to the Bombay Legislative Assembly in the appended form.

2. The Bill will require the previous sanction of the Governor under section 299(3) of the Government of India, Act, 1935. The requisite draft in that behalf is sent herewith.

3. The General Department is also requested to obtain orders of Government regarding the application of the proposed Act to the partially excluded areas.

Sd/ 28-3

~~Remembrancer of Legal Affairs.~~

For Secretary to Government.

U.R. To G.D. No. 3088 ,dated the 28th March 1947.

S.C. 28/5

GOVERNMENT HOUSE.

Bombay . 1947.

I accord sanction under section 299(3) of the Government of India Act, 1935 to the Bombay Harijan Temple Entry Bill, 1947.

GOVERNOR OF BOMBAY.

S.C. 40. 28/5

Office of the R.L.A.

The Bill has gone far. It has been x read for the first time, referred to the Select Committee and the Select Committee has made its report. It would not be advisable at this stage to make serious changes in it unless they are essential.

2. Paragraph 1 of the note: The change suggested in the preamble does not appear essential. It is true that the preamble presumes that rights are already in existence. The presumption , however, is free from objection. It would, I think, be correct to hold that a Harijan as soon as he is born has got an inherent right to enter all Hindu temples. The Bill wants only to recognise this right by law.

3. Paragraph 2 of the note: I think that in view of the express definition of temple in clause 2(c), read with clause 2(b), no alteration in the expression "temple" is necessary. Apart from that, I should think temple is a well-known term both in law and ordinary parlance and is restricted to places of Hindu worship only.

4. Paragraph 3 of the note : I do not think that the proposed amendment in clause "2(c) is necessary. I do not think that it could be the intention to include temples which were in the past used by caste Hindus for worship but are not so used now. The scope of the Bill, as I understand it to be, is to give Harijans right of entry into temples into which the caste Hindus have a right to enter. If the caste Hindus themselves have ceased to exercise such xitng right, then I think the Harijans would not care for it.

5. Paragraph 4 of the note : The amendments suggested may be accepted. In clause 3, for the words "any sacred" the word "every" may be substituted.

6. Paragraph 5 of the note : According to Sir James Murray's New English Dictionary, "molest" means to interfere or meddle with injuriously or with hostile intent and

"obstruct" means block, close up, or fill with obstacles or impediments or render impassable. It would, therefore, appear that while "molest" implies some injury, it does not altogether stop the exercise of the right; while "obstruct" means blocking up of the right or making the right inexercisable. While, therefore, "molest" is more dangerous from the point of view of exercise of right, it is not so important. But "obstruct" is more important as the exercise of the right itself is blocked up. I , therefore, think that the clause penalises only the man who molests but not the man who tends to molest, whereas, in case of obstruction, both the person who obstructs and the person who tends to obstruct are to be penalised. The intention appears to be deliberate, and there appears no inconsistency.

I do not think that it is the intention of Government to prescribe a penalty also for future molestation. The question will arise as to how long after the exercise of the right a Ha-rijan is to be protected. Is the protection to be extended indefinitely? Besides, in practice, such a provision may create complications. A Harijan may allege any future molestation at any time to be due to the exercise by him of a right under this Bill and the scope of the Bill would be indefinitely widened.

7. Paragraph 6 of the note - I am not sure that it is not the intention of Government to restrict this provision only to grant covered by instruments. I do not think that the word "instrument" in clause 4(2) is capable of being confounded with "instrument" of trust" in clause 3. However, there is no objection to amplify into "instrument of grant."

I do not think there is any "custom of grant." We might say "or in any custom recognizing a grant" if Government decide to extend the scope of that provision to grants recognized by custom.

8. If the Hon'ble Minister for industries, Fisheries and Backward Classes desires to discuss the matter with me

after these points have been already cleared, I shall be only too happy to carry out the direction.

Sd/

Remembrancer of Legal Affairs.

H.M.(L)

H.M.(Industries, Fisheries and Backward Classes).

S.C. 4 C. 28/5

The verb "tend" in this context means (i) to have a natural inclination to move in some direction or (2) to lead or to conduce to some action. The verb is rarely used in reference to persons, but is generally associated with acts, things etc as in the enactments quoted in the office note. It could not be the intention of the section to punish mere inclination and that is opposed to the principle of criminal law. In other respect the expression is inappropriate with reference to a person. It may either be delected or replaced by "attempts" since 511 of the I.P.C. dealing with attempts would not be applicable to this law.

If this suggestion is approved section 8 of the Bombay Harijan Temple Worship (Removal of disabilities) 1938 may be amended on similar lines.

D.M.Lad

S.C. 28-5

Office of the R.L.A.

The amendment suggested by the Remembrancer of Legal Affairs, was to substitute for the word "tends" the words "attempts" in clause 4(1)(ii) of the Bill. The amendment is passed by the Bombay Legislative Assembly.

P.M. Lad
17/9

Remembrancer of Legal Affairs.

U.R. to E. & I.D. No. 40 - L dated the 17th September 1947.

G.C. & C. 28/5.

No. 6523

Office of the

Remembrancer of Legal Affairs.

Bombay Castle, 24th June 1947.

To

The Advocate General , Bombay.

Subject.- The Bombay Harijan Temple Entry Bill, 1947

Sir,

I am directed to forward herewith copies of the Bombay Harijan Temple Entry Bill, 1947 (L.A.Bill No. XXVII of 1947) as introduced in the Bombay Legislative Assembly and of t said Bill as amended by the Select Committee and to request you to forward your remarks on the Bill at a very early date.

Your obedient servant,

Sd

Remembrancer of Legal Affairs.

LRF.
24/6

A.A.G.

A.A.L.R.

A.L.A.

S.C. 4 C. 28-5

No. 51 of 1947.

ADVOCATE GENERAL'S CHAMBERS,
HIGH COURT.

Bombay, 30th September 1947.

Subject :- Bill.
Entitle Harijans to enter and perform Worship in Temples in the Province of Bombay .

O P I N I O N.

I have no comments to offer on the Bill, save only that in my opinion thepower to arrest without a warrant (section 6) is in a Bill of the nature not desirable. The Act may cause considerable dissatisfaction, and a power of this nature may be used oppresively.

Sd/
Advocate General

Submitted for information

2. A copy of A.G.'s opinion may be forwarded to the Education and Industries Department for information of H.M.(I & F)

3. Perhaps a copy of the opinion may also be sent to the H.P.M. along with a copy of the Bill, the Bill as amended by the Select Committee and as read for the third time and passed

Sd / 1-10

A.A. L.M.

I think it would be sufficient to forward a copy o the opinion to theE. & I Dept. only

P.M.Lad

S.C. 28-5 3-10

IMMEDIATE. No. 10876

Legal Department.

Bombay Castle, 15th November 1947.

From

P.M.Lad, Esquire, I.C.S.
Secretary to the Government of Bombay

To

The Private Secretary to the Governor of Bombay.

Subject.- A Bill to entitled Harijans to enter and perform worship in temples in the Province of Bombay.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for being presented to His Excellency the Governor, an authentic copy of a Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 11th September 1947 and on the 4th November 1947, respectively.

2. The subject-matter of the Bill falls under entries 32, 34 and 37 in List II and entries 4 and 9 in List III in the Seventh Schedule to the Government of India Act, 1935.

3. As the Bill contains provisions which are repugnant to the provisions of the Indian Trusts Act, 1882, and the Code of Civil Procedure, 1908, which are existing laws relating to matter falling in the Concurrent Legislative List, it will have to be reserved for the consideration of the Governor General with reference to section 107 (2) of the Government of India Act, 1935.

4. I am also to forward herewith six copies of each of

as introduced in the Bombay Legislative Assembly with the statement of Objects and Reasons.	the items Nos. 1 to 4 and the copies of item No. 5 of the papers noted in the margin.
(2) Report of the Select Committee together with the Bill as amended by the Select Committee.	
(3) Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
(4) Bill as read for the third time and passed by the Bombay Legislative Council.	
(5) Extracts from the proceedings of the Bombay Legislative Assembly dated the 3rd and 7th April and 11th September 1947 and of the Bombay Legislative Council dated the 18th October and 3rd and 4th November 1947.	

5. I am to state that Government desires to publish the Bill as an Act a few days before the 24th November 1947. It is therefore requested that His Excellency the Governor General may be moved to give His assent to the Bill as early as possible and to convey the assent by telegram, and also to communicate the date on which the assent is given so as to enable this Department to publish the assent a few days before the aforesaid date.

I have the honour to be,

Sir,

Your Most Obedient Servant,

P.M.Lad
15/11

Secretary to Government.

Through

The secretary to the Government of Bombay
Education and Industries Department.

C.C. 28/5

No. P.S.G. 5422
Office of the Private Secretary to the Governor.
Government House,
Bombay , 17th November 1947.

From

L.E.Bagshawe, Esquire, I.C.S.
Private Secretary to the Governor of Bombay.

To

The Secretary to the Bombay Legislature Department,
Council Hall, Bombay.

Subject .- The Bombay Harijan Temple Entry Act, 1947.

Sir,

With reference to the above Bill, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council on the 11th September and 4th November 1947, respectively, I am directed to state, for the information of the Honourable the Speaker of the Bombay Legislative Council and the Honourable the Speaker of the BOMBAY Legislative Assembly, that as the Indian Trusts Act, provisions of the Bill are repugnant to the provisions of the INDIAN Trusts Act, 1882, and the Code of Civil Procedure, 1908 , which are existing Federal laws, it will will b e necessary to reserve it for the consideration of His Excellency the Governor-General with reference to section 107(2) of the Government of India Act, 1935, His Excellency theGovernor is accordingly pleased, under section 75 of the Act, to declare that he reserves the Bill for the consideration of the Governor-General.

Your Obedient Servant.

L.E.Bagshawe.

Private Secretary to the Governor of Bombay.

No. P.S.G.- 5423

Office of the Private Secretary to the Governor,
Government House,
Bombay , 17th November 1947.

Copy forwarded with compliments to .-

(1) The Secretary to Government, Legal Department, with reference to the letter No. 10976, dated the 15th November 1947.
(2) The Secretary to Government, Education & Industries Department with reference to his endorsement dated the 15th November. 1947.

By order of the Governor of Bombay.

Sd.

Private Secretary to the Governor of Bombay

G.G. 4 C. 28/5

No. P.S.G.- 5521 . Governor,
Office of the Private Secretary to the Government
Government House,

Bombay, 26th November 1947.

From

L.E. Begshawe, Esquire, I.C.S.
Private Secretary to the Governor of Bombay.

To

The Secretary to the Government of Bombay.
Legal Department.

Subject.- The Bombay Harijan Temple Entry Bill, 1947,

Sir,

With reference to the correspondence ending with my letter No. P.S.G. - 5498 , dated 22nd November 1947, on the subject mentioned above, I forward herewith the authentic copy of the Bombay Harijan Temple Entry Bill, 1947, with His Excellency the Governor-General 's assent signified thereon.

Yours obedient servant.

SD/

For Private Secretary
to the Governor of Bombay.

ASp
26-11.

S.C. 28/5

Bills.

A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 2803
Bombay Castle, 22nd March 1947.

Memorandum from the General Department No. 3217-33-5813, dated the 22nd March 1947 -- Transferring for necessary action, the papers relating to a Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

RESOLVED, THAT the Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay for publication in the Bombay Government Gazette, dated the 22nd March 1947, as Bill No/ XXVII of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) andthe translations should be published in the Bombay Government Gazette on the 25th March 1947.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay.

K.M.CHITNIS

Assistant remembrancer of Legal Affa

To

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and the Statement of Objects and Reasons may be forwarded to the Secretary to the Bombay Legislative Assembly for distribution to the Members of the BOMBAY Legislative Assembly and 25 copies for the use of the Legal Department),
The Hony General Department,
* The Oriental Translator to Government.
The Secretary to the Bombay Legislative Assembly,
The Director of Publicity, Bombay.

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} of the Bi
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With five extra copies of the Bill

S.C. 28/5

L. A. BILL No. XXVII OF 1947.

A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

(As published in the "Bombay Government Gazette" of the 22nd March 1947.)

WHEREAS it is expedient that the rights of the Harijans to enter and perform worship in temples in the Province of Bombay be recognised by law; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay Harijan Temple Entry Act, 1947. Short title and extent.

(*2*) It extends to the whole of the Province of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "Harijan" means a member of a caste, race or tribe deemed to be a Scheduled Caste under the Government of India (Scheduled Castes) Order, 1936 ;

(*b*) "Hindu community" includes Jains ;

(*c*) "temple" means a place by whatever designation known, which is used, dedicated to, or for the benefit of, or used as of right by, the Hindu community in general as a place of public religious worship ;

(*d*) "worship" includes attendance at a temple for the purpose of darshan of a deity or deities installed in or within the precincts thereof.

MO-III Bk Hb 371

Right of Harijan to enter and perform worship in temples.

3. Notwithstanding anything contained in the terms of any instrument of trust, the terms of dedication, the terms of a sanad, or a decree or order of a competent court, or any custom, usage or law for the time being in force to the contrary, every temple to which other Hindus in general have access shall be open to Harijans for worship in the same manner and to the same extent as other Hindus in general and Harijans shall be entitled to bathe in, or use the waters of, any sacred tank, well, spring or water-course appurtenant to the temple, whether situated within or outside the precincts thereof in the same manner and to the same extent as other Hindus in general.

Penalty.

4. (*1*) Whoever—

(*i*) prevents a Harijan from exercising any right conferred by this Act, or

(*ii*) molests or obstructs or causes or tends to cause obstruction to a Harijan in the exercise of any such right

shall, on conviction, be punishable with imprisonment which may extend to 6 months or with fine or with both.

(*2*) Notwithstanding anything to the contrary contained in any instrument, where the manager or trustee of a temple which is in receipt of a grant of land or money from Government is convicted of an offence punishable under sub-section (*1*), and such conviction is not subsequently reversed or quashed, the Provincial Government may direct the resumption of the whole or any part of such grant.

Exclusion of jurisdiction of courts.

5. No civil court shall entertain or continue any suit or proceeding or shall pass an order or decree or execute wholly or partially any order or decree, if the claim involved in such suit or proceeding or if the passing of such order or decree or if such execution, would in any way affect or be inconsistent with the provisions of this Act.

Power to arrest without warrant.

6. Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXVII OF 1947.]

(As published in the "Bombay Government Gazette" of 22nd March 1947.)

A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

[Mr. G. D. TAPASE, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

STATEMENT OF OBJECTS AND REASONS.

Government has already enacted the Bombay Harijan Temple Worship (Removal of Disabilities) Act, 1938.

This Bill provides for prevention of any discrimination against Harijans in all places of public worship which are thrown open to all other Hindus in general.

Dated 22nd March 1947. G. D. TAPASE.

Clause 5.—We have deleted the words "affect or" from this clause as being inappropriate.

Clause 6.—In order to ensure proper use of the power to arrest without warrant, we think that the power should not be given to a police officer below the rank of a sub-Inspector. We have, accordingly, amended this clause.

(Signed) B. G. KHER.

(,,) D. N. DESAI.

(,,) G. D. TAPASE.

(,,) N. S. KAJROLKAR.

(,,) LILAVATI MUNSHI.

(,,) L. B. BHINGARDEVE.

(,,) K. F. PATIL.

(,,) D. K. KUNTE.

(,,) B. M. GUPTE.

(,,) GANESH V. JOSHI.

(,,) B. D. DESHMUKH.

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following report of the Select Committee of the Bombay Legislative Assembly on the Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay, and the Bill as amended by the Select Committee are, in accordance with the provisions of sub-rule (*3*) of rule 88 of the Bombay Legislative Assembly Rules, published for general information :—

L. A. BILL No. XXVII OF 1947.

(*A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay.*)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider L. A. Bill No. XXVII of 1947 (A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay), have the honour to report as follows :—

We have carefully considered the Bill and made a few changes therein. The reasons for the principal changes are given below :—

Clause 2, sub-clause (*c*).—With a view to avoiding repetition of certain words and making the meaning clearer, we have slightly amended the definition of the term "temple". We have added the words "other than Harijans" in brackets after the words "Hindu community in general".

Clause 3.—We have deleted the words "to which other Hindus in general have access" from this clause, as they are unnecessary in view of the amendment made in the definition of the term "temple".

Clause 4, sub-clause (*2*).—This sub-clause enables the Provincial Government to direct resumption under certain circumstances of a grant of land or money given to a temple by Government. We think that the Provincial Government should also have the power to direct suspension of such grant. We have, accordingly, amended this sub-clause.

Note.—The signatures of Mr. H. V. Patasker, Mr. M. D. Joshi, Mr. Dewajibhai Bhikhabhai and Mr. S. L. Karandikar will be notified when received.

Clause 5.—We have deleted the words "affect or" from this clause as being inappropriate.

Clause 6.—In order to ensure proper use of the power to arrest without warrant, we think that the power should not be given to a police officer below the rank of a sub-Inspector. We have, accordingly, amended this clause.

(Signed) B. G. KHER.

(,,) D. N. DESAI.

(,,) G. D. TAPASE.

(,,) N. S. KAJROLKAR.

(,,) LILAVATI MUNSHI.

(,,) L. B. BHINGARDEVE.

(,,) K. F. PATIL.

(,,) D. K. KUNTE.

(,,) B. M. GUPTE.

(,,) GANESH V. JOSHI.

(,,) B. D. DESHMUKH.

Note.—**Deletions made by the Select Committee are shown in square brackets and additions are shown in italics.**

L. A. BILL No. XXVII OF 1947.

A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

(As amended by the Select Committee.)

WHEREAS it is expedient that the rights of the Harijans to enter and perform worship in temples in the Province of Bombay be recognised by law; It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Bombay Harijan Temple Entry Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " Harijan " means a member of a caste, race or tribe deemed to be a Scheduled Caste under the Government of India (Scheduled Castes) Order, 1936 ;

(*b*) " Hindu community " includes Jains ;

(*c*) " temple " means a place by whatever designation known, which is used *as of right by,* dedicated to, or for the benefit of, [or used as of right by,] the Hindu community in general *other than Harijans* as a place of public religious worship ;

(*d*) " worship " includes attendance at a temple for the purpose of darshan of a deity or deities installed in or within the precincts thereof.

Right of Harijan to enter and perform worship in temples.

3. Notwithstanding anything contained in the terms of any instrument of trust, the terms of dedication, the terms of a sanad, or a decree or order of a competent court, or any custom, usage or law for the time being in force to the contrary, every temple [to which other Hindus in general have access] shall be open to Harijans for worship in the same manner and to the same extent as other Hindus in general and Harijans shall be entitled to bathe in, or use the waters of, any sacred tank, well, spring or water-course appurtenant to the temple, whether situated within or outside the precincts thereof in the same manner and to the same extent as other Hindus in general.

Penalty.

4. (*1*) Whoever—

(*i*) prevents a Harijan from exercising any right conferred by this Act, or

(*ii*) molests or obstructs or causes or tends to cause obstruction to a Harijan in the exercise of any such rights

shall, on conviction, be punishable with imprisonment which may extend to 6 months or with fine or with both.

(2) Notwithstanding anything to the contrary contained in any instrument, where the manager or trustee of a temple which is in receipt of a grant of land or money from Government is convicted of an offence punishable under sub-section (*1*), and such conviction is not subsequently reversed or quashed, the Provincial Government may direct the *suspension or* resumption of the whole or any part of such grant.

Exclusion of jurisdiction of courts.

5. No civil court shall entertain or continue any suit or proceeding or shall pass an order or decree or execute wholly or partially any order or decree, if the claim involved in such suit or proceeding or if the passing of such order or decree or if such execution, would in any way [affect or] be inconsistent with the provisions of this Act.

Power to arrest without warrant.

6. Any police officer *not below the rank of a Sub-Inspector* may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

S. K. SHEODE,
Secretary to the Bombay
Legislative Assembly.

Bombay, 17th July 1947.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Acts.

Publication of the Bombay Harijan Temple Entry Act, 1947.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 11192

Bombay Castle, 23rd November 1947.

Letter to the Private Secretary to the Governor of Bombay, No. 10876, dated the 15th November 1947.

Letter from the Private Secretary to the Governor, No. PSG. 5498, dated the 22nd November 1947 :

"With reference to the correspondence resting with this office endorsement No. PSG. 5423, dated the 17th November 1947, I am directed to inform you that intimation has been received from the Government of India, Ministry of Home Affairs, that His Excellency the Governor General assented to the Bombay Harijan Temple Entry Bill, 1947, on the 21st November 1947."

RESOLUTION.- The law should be published as Bombay Act No. XXXV of 1947, in the Bombay Government Gazette dated the 23rd November 1947.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translation should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Education and Industries Department with reference to the Memorandum from the General Department No. 3217/33/5813, dated the 22nd March 1947.

By order of the Governor of Bombay.

Sd/-

Sd/- P.M.Lad.

Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the legal Department.

The Education and Industries Department,
* The Oriental Translator to Government.
The Bombay Legislature Department,
The Director of Publicity, Bombay.

} with a copy of the Act

* With five extra copies of the Act.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

SUNDAY, 23RD NOVEMBER 1947.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

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The following Act of the Bombay Legislature having been assented to by the Governor General on the 21st November 1947 is hereby published for general information :—

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXXV OF 1947.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 23rd November 1947.)

An Act to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

WHEREAS it is expedient that the rights of the Harijans to enter and perform worship in temples in the Province of Bombay be recognised by law; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay Harijan Temple Entry Act, 1947. Short title and extent.

(*2*) It extends to the whole of the Province of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "Harijan" means a member of a caste, race or tribe deemed to be a Scheduled Caste under the Government of India (Scheduled Castes) Order, 1936;

(*b*) "Hindus" includes Jains;

(*c*) "temple" means a place by whatever designation known, which is used as of right by, dedicated to or for the benefit of, the Hindus in general other than Harijans as a place of public religious worship;

(*d*) "worship" includes attendance at a temple for the purpose of *darshan* of a deity or deities installed in or within the precincts thereof.

Right of Harijan to enter and perform worship in temples.

3. Notwithstanding anything contained in the terms of any instrument of trust, the terms of dedication, the terms of a sanad, or a decree or order of a competent court, or any custom, usage or law, for the time being in force to the contrary, every temple shall be open to Harijans for worship in the same manner and to the same extent as other Hindus in general and Harijans shall be entitled to bathe in, or use the waters of, any sacred tank, well, spring or water-course in the same manner and to the same extent as other Hindus in general.

Penalty.

4. (*1*) Whoever—

(*i*) prevents a Harijan from exercising any right conferred by this Act, or

(*ii*) molests or obstructs or causes or attempts to cause obstruction to a Harijan in the exercise of any such rights shall, on conviction, be punishable with imprisonment which may extend to six months or with fine or with both.

(*2*) Notwithstanding anything to the contrary contained in any instrument or any law, custom or usage, where the manager or trustee of a temple which is in receipt of a grant of land or money from Government is convicted of an offence punishable under sub-section (*1*), and such conviction is not subsequently reversed or quashed, the Provincial Government may direct the suspension or resumption of the whole or any part of such grant.

Exclusion of jurisdiction of courts.

5. No civil court shall entertain or continue any suit or proceeding or shall pass an order or decree or execute wholly or partially any order or decree, if the claim involved in such suit or proceeding or if the passing of such order or decree or if such execution, would in any way be inconsistent with the provisions of this Act.

Power to arrest without warrant.

6. Any police officer not below the rank of a Sub-Inspector may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XXVII OF 1947.

A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 11th September 1947.)

WHEREAS it is expedient that the rights of the Harijans to enter and perform worship in temples in the Province of Bombay be recognised by law; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Bombay Harijan Temple Entry Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Harijan" means a member of a caste, race or tribe deemed to be a Scheduled Caste under the Government of India (Scheduled Castes) Order, 1936;

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(2) Notwithstanding anything to the contrary contained in any instrument or any law, custom or usage, where the manager or trustee of a temple which is in receipt of a grant of land or money from Government is convicted of an offence punishable under sub-section (*1*), and such conviction is not subsequently reversed or quashed, the Provincial Government may direct the suspension or resumption of the whole or any part of such grant.

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STATEMENT OF OBJECTS AND REASONS.

Government has already enacted the Bombay Harijan Temple Worship (Removal of Disabilities) Act, 1938.

This Bill provides for prevention of any discrimination against Harijans in all places of public worship which are thrown open to all other Hindus in general.

Dated 22nd March 1947.

G. D. TAPASE.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXVII OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 11th September 1947)

A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

[Mr. G. D. TAPASE, M.L.A.]

MÓ-III Bk Hb 148—2

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XXVII OF 1947.

A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 11th September 1947.)

(As read for the third time and passed by the Legislative Council on the 4th November 1947.)

WHEREAS it is expedient that the rights of the Harijans to enter and perform worship in temples in the Province of Bombay be recognised by law; It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Bombay Harijan Temple Entry Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Harijan" means a member of a caste, race or tribe deemed to be a Scheduled Caste under the Government of India (Scheduled Castes) Order, 1936;

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MO-III Bk Hb 262

(2) Notwithstanding anything to the contrary contained in any instrument or any law, custom or usage, where the manager or trustee of a temple which is in receipt of a grant of land or money from Government is convicted of an offence punishable under sub-section (*1*), and such conviction is not subsequently reversed or quashed, the Provincial Government may direct the suspension or resumption of the whole or any part of such grant.

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6. Any police officer not below the rank of a Sub-Inspector may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXVII OF 1947]

(As read for the third time and passed by the Legislative Assembly on the 11th September 1947.)

(As read for the third time and passed by the Legislative Council on the 4th November 1947.)

A Bill to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

[Mr. G. D. Tapase, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.